

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
individually and on behalf of NORFOLK &)	
PORTSMOUTH BELT LINE RAILROAD)	
COMPANY,)	
)	
Plaintiff,)	
v.)	Civil Action No. 2:18-cv-00530-MSD
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, NORFOLK &)	
PORTSMOUTH BELT LINE RAILROAD)	
COMPANY, JERRY HALL, THOMAS)	
HURLBUT, PHILIP MERILLI, and)	
CANNON MOSS,)	
)	
Defendants.)	
)	

**JOINT MOTION FOR ENTRY
OF STIPULATED PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT**

Plaintiff CSX Transportation, Inc. (“CSXT”), and Defendants Norfolk Southern Railway Company (“NS”), Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”), Jerry Hall, Thomas Hurlbut, Philip Merilli, and Cannon Moss (collectively, the “Parties”), by counsel, hereby jointly move the Court for entry of the attached Stipulated Protective Order in this matter. In support of this Joint Motion, the Parties state as follows:

In accordance with pretrial proceedings, Rules 26 and 16 of the Federal Rules of Civil Procedure, and Rule 37 of the Local Rules of Practice for the Eastern District of Virginia, the Parties have met and conferred to agree upon a protective order to handle the disclosure of confidential materials in discovery and at trial (“Proposed Stipulated Protective Order”).

As a result, the Parties attach as **Exhibit 1** an electronically endorsed copy of their Proposed Stipulated Protective Order and request this Court enter that Order in this matter. The entry of the

Proposed Stipulated Protective Order will streamline and make the discovery process more efficient while allowing for the disclosure and protection of confidential materials.

WHEREFORE, the Parties, by counsel, request that this Court enter the Parties' Proposed Stipulated Protective Order attached as Exhibit 1.

Dated: October 25, 2019

Respectfully jointly submitted,

CSX TRANSPORTATION, INC.

**NORFOLK SOUTHERN RAILWAY
COMPANY**

Date: October 25, 2019

Date: October 25, 2019

By its attorneys,

By its attorneys,

/s/

Robert W. McFarland (VSB No. 24021)
Benjamin L. Hatch (VSB No. 70116)
Jeanne E. Noonan (VSB No. 87963)
MCGUIREWOODS LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, Virginia 23510-1655
Tel. (757) 640-3716
Fax (757) 640-3930
rmcfarland@mcguirewoods.com
bhatch@mcguirewoods.com
jnoonan@mcguirewoods.com

/s/

Alan D. Wingfield (VSB No. 27489)
Michael E. Lacy (VSB No. 48477)
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Tel. (804) 697-1200
Fax (804) 698-6061
alan.wingfield@troutman.com
michael.lacy@troutman.com

John C. Lynch (VSB No. 39267)
Elizabeth S. Flowers (VSB No. 78487)
Kathleen M. Knudsen (VSB No. 90845)
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
Tel. (757) 687-7537
Fax (757) 687-1546
liz.flowers@troutman.com

Monica McCarroll (VSB No. 45622)
REDGRAVE LLP
14555 Avion Parkway, Suite 275
Chantilly, Virginia 20151
Tel. (703) 592-1154
Fax (703) 230-9859
MMcCarroll@redgravellp.com

**NORFOLK & PORTSMOUTH BELT
LINE RAILROAD COMPANY**

Date: October 25, 2019

By its attorneys,

/s/

James L. Chapman IV (VSB No. 21983)
W. Ryan Snow (VSB No. 47423)
Darius K. Davenport (VSB No. 74064)
David C. Hartnett (VSB No. 80452)
CRENSHAW, WARE & MARTIN, P.L.C.
150 West Main Street, Suite 1500
Norfolk, Virginia 23510
Tel. (757) 623-3000
Fax (757) 623-5735
jchapman@cwm-law.com
wrsnow@cwm-law.com
ddavenport@cwm-law.com
dhartnett@cwm-law.com

**JERRY HALL, THOMAS
HURLBUT, and PHILIP MERILLI**

Date: October 25, 2019

By its attorneys,

/s/

Hugh M. Fain III (VSB No. 26494)
M.F. Connell Mullins Jr. (VSB No.
47213)
John M. Erbach (VSB No. 76695)
SPOTTS FAIN P.C.
411 East Main Street, Suite 600
Richmond, Virginia 23219
Tel. (804) 697-2000
Fax (804) 697-2100
hfain@spottsfain.com
cmullins@spottsfain.com
jerbach@spottsfain.com

CANNON MOSS

Date: October 25, 2019

By his attorneys,

/s/

W. Edgar Spivey (VSB No. 29125)
Clark J. Belote (VSB No. 87310)
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, Virginia 23510
Tel. (757) 624-3000
Fax (757) 360-9092
wespivey@kaufcan.com
cjbelote@kaufcan.com

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2019, I caused a true copy of the foregoing document to be filed through the Court's ECF system which will automatically serve a copy upon all counsel of record.

/s/

Robert W. McFarland (VSB No. 24021)

Benjamin L. Hatch (VSB No. 70116)

Jeanne E. Noonan (VSB No. 87963)

MCGUIREWOODS LLP

World Trade Center

101 West Main Street, Suite 9000

Norfolk, Virginia 23510-1655

Tel. (757) 640-3716

Fax (757) 640-3930

rmcfarland@mcguirewoods.com

bhatch@mcguirewoods.com

jnoonan@mcguirewoods.com